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7 UNITED STATES DISTRICT COURT
8 WESTERN DISTRICT OF WASHINGTON
AT TACOMA

9 KEVIN COE,

10 Petitioner,

11 v.

12 MARK STRONG,

13 Respondent.

CASE NO. C13-6088 RJB-JRC

ORDER ADOPTING REPORT AND
RECOMMENDATION AND
DENYING APPLICATION TO
PROCEED IN FORMA PAUPERIS

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15 This matter comes before the court on the Report and Recommendation to Deny In
16 Forma Pauperis Status. Dkt. 3. The court has considered the relevant documents and the
17 remainder of the record herein.

18 On December 26, 2013 petitioner, a resident at the Special Commitment Center (SCC),
19 filed an application to proceed in forma pauperis. Dkt. 1. On December 30, 2013, United States
20 Magistrate Judge J. Richard Creatura issued a Report and Recommendation, recommending that
21 the Court deny the application to proceed in forma pauperis because petitioner has sufficient
22 funds to pay the \$5 filing fee in this case. Dkt. 3. Petitioner's application shows that he receives
23 approximately \$254.17 every month into his SCC account. Dkt. 1.

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It appears that the petitioner has the cash and bank account funds to pay the \$5 filing fee in this case. Petitioner has made a choice to file this civil action. While the costs of this action may place a burden on his resources, petitioner appears to have sufficient funds to avail himself of his legal remedies by filing this action. Accordingly, the court should adopt the Report and Recommendation and deny petitioner's motion to proceed *in forma pauperis*. Before the court dismisses this case, however, petitioner should have the opportunity to pay the filing fee.

Dated this 22nd day of January, 2014.

ROBERT J. BRYAN
United States District Judge